

Senate File 209 - Introduced

SENATE FILE 209

BY ERNST

A BILL FOR

1 An Act relating to property division in dissolution proceedings
2 relating to military disposable retired pay and including
3 remarriage of a party.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.21, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. *Disposable retired pay — member of*
4 *the military.* Disposable retired pay, as defined pursuant to
5 10 U.S.C. § 1408(a)(4), to which a party is entitled shall be
6 subject to property division but shall be restricted such that
7 any award shall correspond with the party's length of service
8 and pay grade at the time of the dissolution, not the future
9 time of retirement, if applicable, and shall terminate for the
10 party who is not the entitled party upon remarriage of that
11 party.

12 EXPLANATION

13 Under the federal Uniformed Services Former Spouses
14 Protection Act, the disposable retired pay of a member of
15 the military may be considered property in a dissolution of
16 marriage. This bill provides, however, that any award of
17 disposable retired pay is to correspond with the length of
18 service and pay grade of the recipient party at the time of the
19 dissolution, not the future time of retirement, if applicable,
20 and shall terminate for the party who is not the entitled party
21 upon remarriage of that party.